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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,316	01/26/2001	Dan Alan Brendes	1322/49/2	7530

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DURHAM, NC 27707

EXAMINER

LE, HIEU C

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding..

87

Office Action Summary

Application No.

09/770,316

Applicant(s)

BRENDES ET AL.

Examiner

Hieu c. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4-21-05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 43-55 is/are pending in the application.
- 4a) Of the above claim(s) 16-42, 56 and 57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 9-15, 43, 44, 47-49 and 55 is/are rejected.
- 7) ☒ Claim(s) 3-8 and 45-46, 50-54 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10-22-04</u> | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. The amendment file 4/07/04 have been entered and made of record.
2. The affidavits filed on 4/07/05 under 37 CFR 1.131 is defective because it asserts diligence but presents no evidence supporting the assertion.
3. The Applicant 's argument filed 4/07/05 have been fully considered but they are not persuasive for the following reasons:

As to claims 1, 43 Applicant alleges "the description of fig.1 in Glitho provides no teaching suggestion of detecting a network management event regarding operating status of an SS7 node residing in an SS7 signaling network, generating a data network management message that includes the SS7 point code status of the SS7 node; and sending the data network management message to specified nodes in the data network that are configured to communicate with the SS7 node [,]" (p. 13, lines 5-18-p.16, lines 13-14). The Examiner disagrees. Firstly, the Fourcand clearly discloses detecting a network management event regarding operation of an SS7 node, gerating a data network management message that includes the SS7 point code status of the SS7 node; and sending the data network management message to specified nodes in the data network that are configured to communicate with the SS7 node (col. 4, lines 15-41 & col. 8, lines 1-65). Secondly, the Examiner can not find anywhere in the claim language "convey SS7 node operating status information to IP nodes" or "including information of the operating status associated with SS7 node.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 14-15, 43-44, 47-49, 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glitho (US Patent 5,870,565) in view of Fourcand et al (US Patent 6,731,741).

As to claim 1, Glitho discloses a method for use at a gateway node in a converged telephony / data network environment for communicating operating status information associated with nodes in a signaling system 7 (SS7) telephony signaling network of the converged network to nodes in a data network of the converged network (Fig. 2), the method comprising:

(a) detecting a network management event regarding SS7 operating status of an SS7 node residing in the SS7 signaling network (col. 2, lines 11-31);
(c) sending the data network management message to nodes in the data network that are adapted to communicate with the SS7 (col. 3, lines 6-11).

Glitho does not disclose explicitly (b) in response to detecting the network management event, generating a data network management message indicating the operating status of the SS7 node.

Fourcand discloses a telecommunication network environment includes a signaling server accessible by maintenance interfaces and network interface. The signaling services control element may perform local number portability lookup and

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global title translation on the received data portion. After processing, the signaling link controller generates a return message in response to the signaling information (Abstract, col. 3, lines 6-11). Upon detecting of an error on the active SLCE 83, the standby SLCE assumes responsibility for processing the SS7 traffice without having a link failure. Peripheral and load unit 81 processes all test requests for processors and devices, handles processing events and output to the user processes alarms and sends alarm information (col. 4, lines 17-41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Fourcand's teachings to modify Glitho's apparatus by detecting the network management event, generating a data network management message indicating the operating status of the SS7 node in order to reduce equipment cost, network facility cost, maintenance costs, and network complexity, a singe flexible platform is needed to support large database, high transaction AIN services, and high capacity packet switching.

As to claim 2, Fourcand further discloses wherein the data network is an Internet protocol (col. 2, lines 55-65), Glitho further discloses sending the data network management message to nodes in the data network that are adapted to communicate with the SS7 network (col. 2, line 43-col. 3, line 10-15, col. 3, line 65-col. 4, line 3).

As to claim 9, Fourcand further discloses wherein generating a data network management message includes generating a session initiation protocol (SIP) message (col. 8, lines 25-27).

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As to claim 10, Fourcand further discloses detecting network management message event includes receiving a transfer prohibited (TFP) message (col. 9, line 30-37).

As to claim 11, Fourcand further discloses detecting network management message includes receiving a transfer allowed (TFA) message (col. 5, lines 62-65).

As to claim 13, Fourcand further discloses detecting network management message includes receiving a transfer (TFC) controlled (TFC) message (col. 3, lines 45-46).

As to claim 14, Glitho further discloses including sending the data management message to a specific node in the data network that requested the operating status information associated with the SS7 node (col. 3, line 65-col. 4, line 3).

As to claim 15, Glitho further discloses including sending the data network management message to all nodes in the data network that are adapted to communicate with the SS7 node(col. 2, line 43-col. 3, line 10-15).

As to claim 43, refer to claim 1 rejection.

As to claim 44, Glitho further discloses wherein the data network is an Internet protocol (col. 3, lines 66-65).

As to claim 47, refer to claim 10 rejection.

As to claim 48, refer to claim 11 rejection.

As to claim 49, refer to claim 13 rejection.

As to claim 55, Fourcand further discloses whereto the specific nodes in the data network are identified using routing key rules (col. 7-col. 9, line 64).

Allowable Subject Matter

6. Claims 3-8, 45-46, 50-54, would be allowable if overcome rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

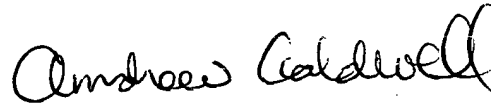
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Le whose telephone number is (571) 272-3897. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Caldwell Andrew, can be reached on (571) 272-3868. The fax phone number for this Group is (571)-273-3897.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 273-8300.

Hieu Le

A handwritten signature in black ink, appearing to read "Andrew Caldwell". The signature is fluid and cursive, with a large initial "A" and a stylized "C".

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER